

1 STEVEN BENITO RUSSO
Chief of Enforcement
2 WILLIAM L. WILLIAMS, JR. (CA Bar # 99581)
Commission Counsel
3 FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Attorneys for Complainant
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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
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12 In the Matter of) FPPC No.: 01/663
13)
14 DAVID SMITH,) STIPULATION, DECISION and
15) ORDER
16 Respondent.)
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18 Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and
19 Respondent David Smith hereby agree that this Stipulation will be submitted for consideration by the
20 Fair Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
22 matter, and to reach a final disposition without the necessity of holding an administrative hearing to
23 determine the liability of Respondent.

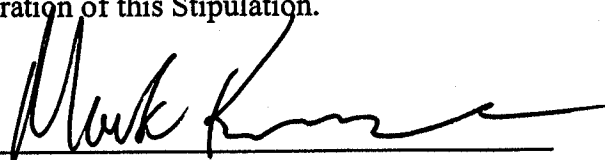
24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
25 rights set forth in sections 83115.5 and 11503 of the Government Code, and in section 18361 of Title 2
26 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear
27 at any administrative hearing held in this matter, to be represented by an attorney at Respondent's own
28 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to

1 testify at the hearing, and to have an impartial administrative law judge preside over the hearing as a
2 hearing officer.

3 It is further stipulated and agreed that Respondent violated the Political Reform Act by failing to
4 timely file a year 2000 annual statement of economic interests in violation of Government Code sections
5 87200-87302 (1 count), as described in Exhibit 1, which is attached hereto and incorporated by
6 reference, as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this
7 matter.

8 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.
9 Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount
10 of Three Hundred Dollars (\$300.00). A cashier's check from Respondent in said amount, made payable
11 to the "General Fund of the State of California," is submitted with this Stipulation as full payment of the
12 administrative penalty, and shall be held by the State of California until the Commission issues its
13 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
14 accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
15 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in
16 connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and
17 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
18 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
19 shall be disqualified because of prior consideration of this Stipulation.

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21 Dated: 3/21/02


Mark Krausse
Executive Director
Fair Political Practices Commission

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25 Dated: 3/15/02


David Smith, Respondent

1 **DECISION AND ORDER**

2 The foregoing stipulation of the parties “In the Matter of David Smith, FPPC No. 01/663,”
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
4 Practices Commission, effective upon execution below by the Chairman.

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6 IT IS SO ORDERED.

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8 Dated: _____

9 Karen A. Getman, Chairman
10 Fair Political Practices Commission
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